

SASK HUMAN RIGHTS

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A newsletter of news, information and resources from
the Saskatchewan Human Rights Commission

SHRC welcomes new Chief Commissioner

The SHRC welcomed new Chief Commissioner Marilou McPhedran on November 1, 2007.

Born and raised in rural Manitoba, educated at the University of Winnipeg, University of Toronto and Osgoode Hall Law School, and called to the Bar of Ontario in 1976. Marilou specializes in human rights and health law, with a focus on mechanisms to promote equity and diversity. She is co-founder of several non-profit organizations, including LEAF - the Women's Legal Education and Action Fund, METRAC - the Metropolitan Action Committee on Violence Against Women and Children, and the "always open" Gerstein Crisis Centre for homeless discharged psychiatric patients in Toronto.

Marilou resigned as the Ariel F. Sallows Chair in Human Rights at the University of Saskatchewan Law Faculty to accept the chief commissioner appointment, although she continues to teach constitutional law at the U. of S. College of Law.

Since her appointment to the Commission, Marilou has been kept busy representing the SHRC at events such as the Saskatchewan Federation of Labour's Building Equity through Solidarity Conference in late

November and continuing the Chief Commissioner's tradition of distributing a December 10th Human Rights Day message.

Despite her hectic schedule, Marilou was able to travel to Buffalo Narrows with Ombudsman Kevin Fenwick and staff from the SHRC and the offices of the Ombudsman and The Children's Advocate for "The Northern Exchange Conference, Exchanging Ideas - Creating Partnerships" [See *Conference furthers Commission's northern outreach commitment*].

In early December, Marilou and the staff from the Regina and Saskatoon offices met for two days to discuss development of a systemic advocacy strategy for the Commission, and a new policy to address racism. This meeting also provided staff with the opportunity to review the Commission's operational efficiency, media relations and requests that the Commission clarify what kind of protections transgendered persons may have under *The Saskatchewan Human Rights Code*.



Commission hosts visit of new Minister of Justice

Early this year, Chief Commissioner McPhedran and SHRC staff were delighted to welcome the Honourable Don Morgan Q.C., Saskatchewan's Minister of Justice and Attorney General, and Deputy Minister of Justice Doug Moen to the SHRC Saskatoon office. The Minister spoke briefly about his appreciation

of the work being done by the Commission and its importance to the people of Saskatchewan before enjoying homemade treats and refreshments organized by staff.



Justice Minister Morgan is welcomed by SHRC staff.

Update on our Commissioners



In addition to her professorial duties in the Faculty of Social Work at the University of Regina's Saskatoon campus, Commissioner Judy White has continued to contribute her expertise to the Commission's work. This includes making herself available to Commission staff in the development of new policies currently under consideration: one on anti-racism, resulting in a Commission initiative to make its terminology more accurate; and another to address the rights of transgendered persons. Professor White was appointed to the Commission in February 2005.



As one of Saskatchewan's better known athletes, Commissioner Mike Bacon remains in training with the Canadian Wheelchair Rugby Team and continues his work with AccessExperts Consultants, a business concentrating on accessibility audits, awareness training and pre-employment training for persons with disabilities. Appointed to the Commission in 2003, Mike is in demand as a speaker to Grade 6-12 students for Think First Saskatchewan, a foundation dedicated to preventing brain and spinal cord injury through education.



Sincere appreciation goes to John C. Hill, who has been Deputy Chief Commissioner since October 2003, and who so ably led the Commission as Acting Chief Commissioner for six months until Chief Commissioner McPhedran was appointed. John worked closely with Commission staff on a wide range of files, including unprecedented settlements – one related to the University of Saskatchewan's Huskie Women's Hockey program and another involving the City of Regina and the Regina Paratransit Service, which resulted in a revised fare structure more consistent with fares and discounts available to passengers using the regular transit system. John was also instrumental to the preparation of the SHRC response to the Government of Canada's decision to vote against adoption of the UN Declaration on the Rights of Indigenous Peoples.

Conference furthers Commission's northern outreach commitment

The Commission continues to develop ways of providing greater access to its services to the people of the North. Since 2000, Commission staff has traveled with representatives of The Children's Advocate (CAO) and the Ombudsman to northern communities to meet with community members, community-based organizations and government representatives to familiarize them with the mandate and role of each organization.

In late November 2007, one of Chief Commissioner McPhedran's first activities was to travel with the Saskatchewan Ombudsman, Kevin Fenwick, and staff from the offices of the SHRC, the Ombudsman and

the CAO, to Buffalo Narrows for "The Northern Exchange Conference, Exchanging Ideas – Creating Partnerships." The conference was organized to train northern residents to recognize situations where clients could be referred to the services offered by the three agencies.

Commission staff gained valuable insight from conference participants regarding the kinds of concerns Northerners might have about referring people to such agencies. It became clear from the exchange that the next step should be for the three agencies to meet directly with community organizations, schools, and government officials. It was felt that this approach would facilitate the

presentation of information best suited to that particular audience, such as making school presentations more interactive and age appropriate, providing more formal presentations to government officials, and organizing informal discussions at the Friendship Centres.

Informal visits to many businesses in Buffalo Narrows proved to be successful and ensured that residents beyond the conference participants received information from each agency.

The Commission is planning a series of presentations to northern audiences for early summer.

Number of complaints continues to challenge M&I Unit

The Mediations and Investigations (M&I) Unit continues to diligently address the average length of the complaint process, including its frequently successful efforts to eliminate the backlog of complaints awaiting assignment to an investigator.

As mentioned on page 2, the M&I Unit has recently settled a couple of important complaints, one of which addressed a systemic

barrier for people accessing Regina's Paratransit services.

The M&I Unit currently settles about 30% of the complaints it receives, thereby helping complainants and respondents to circumvent the lengthier investigative or litigation processes. Based on 2007-2008 statistics, settling a complaint takes approximately five months, while an investigation can take up to 10 months. Settlements

are often easier to negotiate once all parties to the complaint understand the complaint process and what happens once a complaint is referred by the Chief Commissioner to the independent Saskatchewan Human Rights Tribunal (SHRT). These elements include the length of time involved, potential costs, and possible outcomes of an SHRT decision.

Positive response to winter seminar series

Despite temperatures dipping below -51° C with the wind chill, over 30 hardy souls – some traveling from out of town – attended the SHRC's half-day seminar on *Preventing Discrimination in the Workplace* in Saskatoon on January 29, 2008. This newly developed seminar focuses on practical measures to prevent discrimination in the workplace and

to address it when it occurs. It includes a hands-on segment for participants to draft an anti-discrimination policy tailored to the needs of their own organization.

Support materials developed for the seminar include a policy design document, tips on how to make the policy work, and suggestions for ->

See page 4, Winter Seminar Series



Participants work on developing their own organizational anti-discrimination policy.

Employment equity works!

It has been one year since the Commission launched its new Equity Program and, with the 2006-2007 round of employment equity monitoring almost complete, it is clear that our equity sponsors are making genuine progress towards the goal of a representative workforce.

The long-term goal of the SHRC Employment Equity Program is a workforce that mirrors the province's working age population, at all levels and in all occupational categories. Preliminary statistics reveal a steady increase for Aboriginal people who now make up

8.9% of the sponsor workforce, in contrast to 7.9% in 2003, 5.1% in 1998, and 2.9% in 1993. Some equity employers made even greater progress. The Government of

Saskatchewan, for example, had Aboriginal representation of 11.2% in its workforce. A full report on Employment Equity Program results is expected in March 2008.



Winter Seminar Series, from page 3

identifying those persons who will become part of a complaint process.

The Saskatoon audience included the assistant vice-president of a post-secondary institution, human resource managers, trade unionists, and representatives of Aboriginal organizations, government agencies, Crown corporations, the health sector and private business.

Evaluations were uniformly positive, with many participants requesting longer sessions or workshops on additional topics. The model anti-discrimination policy presented at the seminar will be placed on the Commission's Web site after further feedback and revisions. The same seminar will be presented in Regina on February 13th.

Because its goal is to provide educational services throughout the province, the Commission added two new locations to its winter series. The popular *Human Rights in the Workplace* seminar was presented to a large and diverse audience in North Battleford on January 31. Again, the workshop combined presentations with interactive components. The seminar clarified rights and responsibilities under *The Saskatchewan Human Rights Code*, and covered key topics such as harassment, the duty to accommodate, and the hiring process. Participants asked many questions, and feedback was again positive and appreciative. The same seminar will be offered in Yorkton on February 14 (see the SHRC Web site for details.)

SaskRights is the electronic news bulletin published by the Saskatchewan Human Rights Commission. To be put on our mailing list, please contact: shrc@shrc.gov.sk.ca

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SHRT DECISIONS OF NOTE

Ronald Pritchard, Lorna Pritchard, Bradley Pritchard and Rachel Pritchard v. United Enterprises Ltd. August 30, 2007. The Saskatchewan Human Rights Tribunal found that the complainants experienced discrimination based on their Aboriginal ancestry when they were denied access to Bennigan's Dining and Room and Lounge in North Battleford. The complainants were forced to leave after an employee saw Ronald Pritchard stumble and assumed he was intoxicated. The Tribunal stated that the assumption that the complainants were problem customers "resulted from a combination of factors, one of which was the stumble, but also Ron's general appearance, namely his long hair and clothing, and the Pritchards' general appearance. [The staff] made a quick assessment from these facts and concluded that Ron was intoxicated. In my view, this conclusion was reached on the basis of subtle stereotyping and preconceptions about the Pritchards arising from the fact they are Aboriginal. It is entirely likely that the stereotyping occurred unconsciously." The Tribunal ordered the corporate respondent, United Enterprises

Ltd., pay \$1,000 each to Ronald and Lorna Pritchard and \$500 each to Bradley and Rachel Pritchard. The company was also ordered to establish policy and procedure which would assist it to conduct business in a manner which recognizes individual dignity.

William Whatcott v. Saskatchewan (Human Rights Tribunal), November 12, 2007. In May of 2005, the Saskatchewan Human Rights Tribunal found that Mr. Whatcott violated *The Saskatchewan Human Rights Code* by distributing flyers which exposed homosexuals to hatred and ridicule. The Tribunal ordered that Mr. Whatcott pay \$5,000 to three complainants and \$2,500 to one complainant as compensation for injury to dignity and self respect. In addition, Mr. Whatcott and the Christian Truth Advocates were prohibited from distributing flyers which promote the hatred against homosexuals. Mr. Whatcott appealed the Tribunal decision. The Saskatchewan Court of Queen's Bench dismissed the appeal. Mr. Whatcott has appealed the dismissal to the Saskatchewan Court of Appeal.

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